

Travel assistance for children and young people  
with an education health and care plan / statement of  
special educational needs

Age group: pre 16

**September 2016**

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## 1. Introduction

This policy explains Surrey County Council's arrangements for providing travel assistance for children and young people aged 0-16 years who have a statement of special educational needs (SSEN) or an education, health and care plan (EHCP).

Many children with a SSEN or EHCP are able to walk to their school or travel independently using public transport. However, we recognise that some children will require more support and we will ensure that children and young people are assessed on an individual basis and that any decision about travel assistance is based on individual needs. This policy explains when assistance can be provided and the different types of travel arrangements available, including the option for a parental travel allowance which may offer greater flexibility for children and young people who qualify and their families.

**A child/ young person's individual needs will determine the support they are given and evidence will be taken from a range of professionals and parents/ carers.**

**We will ensure that children / young people are assessed on an individual basis and any decision based on individual needs.**

## 2. Qualifying for SEND travel assistance

### 2.1 To be considered under this policy children / young people *must*:

- a. be resident in Surrey County, and
- b. continue to hold a EHCP/ SSEN, and
- c. be under 16 years of age on 31st August prior to the start of the academic year in which the application applies, and
- d. be attending a qualifying education provider (see section 3.1 below), and
- e. be attending the nearest appropriate education provider unless agreed otherwise and stipulated within the EHCP/ SSEN.

There is a separate policy for 16-19 year olds with special educational needs and disabilities.

### 2.2 General principles

- a. We will consider applications for travel assistance to an education provider for a child/young person in receipt of a SSEN or an EHCP.
- b. We accept responsibility for travel arrangements between the child/young person's main residence and their nearest appropriate education provider. Where a child/young person has more than one address, home to school transport will be based on the residence where the child/young person habitually resides.
- c. We will consider factors including statutory walking distances; whether families are in receipt of free school meals or maximum working tax credit, and recommendations from appropriate medical professionals in relation to the child/young person's or their parents'/carers' disabilities. We will ensure that children and young people are assessed on an individual basis and any decision about travel assistance will be based on individual needs (see sections 2.3 and 2.4 for details).
- d. We appreciate that many families will want to make their own arrangements to get their child/young person to school rather than requesting a taxi and we have an offer to enable this to happen (See section 4.2).
- e. We also encourage parents and carers to work with the local authority to enable their child/young person to travel independently if and when appropriate.
- f. Travel assistance will be reviewed at the Annual Review of the EHCP / statement

### 2.3 Surrey County Council will provide travel assistance as set out below.

We expect parents/carers to accompany their child/young person whilst they are travelling, where appropriate.

NB: Please refer to section 2.4 for information about how individual needs will be considered.

#### Nursery Schools

We provide travel assistance to children who are attending the nearest appropriate nursery school to their home where their placement is supported by the local authority and the distance between their home and the nursery is more than 2 miles. This may include children on early years' assessment placements.

Infant/primary schools (children in foundation stage and key stage 1, aged under 8 years on 31st August)

We provide travel assistance to children attending the nearest appropriate infant/primary school to their home where the distance between their home and the school is more than 2 miles, except in circumstances where the local authority is able to comply with a parental preference for a school but this is not the nearest appropriate school to the home address. In this circumstance, the parents/carers will be responsible for ensuring their child gets to school.

Junior/primary schools (children in key stage 2, aged 8 years and over on 31st August)

We provide travel assistance to children attending the nearest appropriate junior/primary school to their home where the distance between their home and the school is more than 3 miles, except in circumstances where the local authority is able to comply with a parental preference for a school which is not the nearest appropriate school to the home address. In this circumstance, the parents/carers will be responsible for ensuring their child gets to school.

Secondary schools (children in key stage 3 and key stage 4, up to age 16 years)

We provide travel assistance to children and young people attending the nearest appropriate school to their home where the distance between their home and the school is more than 3 miles, except in circumstances where the local authority is able to comply with a parental preference for a school which is not the nearest appropriate school to the home address. In this circumstance, the parents/carers will be responsible for ensuring their child gets to school.

Free school meals/maximum working tax credit

We provide travel assistance to children and young people in receipt of free school meals and/or whose parents/carers receive maximum working tax credit, provided the pupil attends a suitable school 2 miles from home. A suitable school is defined as one that is able to meet the child/young person's needs as defined within their EHCP/SSEN.

Children/young people in residential educational provision

Where children/young people are placed at a residential education provider, Surrey County Council will normally provide one return journey at the start and end of the placement timeframe e.g. 52 weeks; termly, or as otherwise agreed in the child/young person's EHCP/ SSEN. Any requests for travel assistance outside of the placement timeframe will be considered but must be made in advance and will be considered on a case by case basis by the Area Special Needs Manager and advice may be sought from the residential education provider.

**2.4 In addition to providing travel assistance as described in 2.3 above, we will ensure that children and young people are assessed on an individual basis and any decision about travel assistance will be based on individual needs.**

Individual needs that we can take account of include:

- a. Some children/young people with specific needs may require support for an agreed period of time.
- b. Some children/young people with special educational needs and disabilities may not be able walk or travel by public transport to school because of their needs.

- c. There may be parents/carers who are unable to take children to school themselves as they do not have an appropriate vehicle.
- d. We are required to make transport arrangements for all children who cannot reasonably be expected to walk to school because of their mobility problems or because of associated health and safety issues related to their special educational needs or disability. Eligibility for such children should be assessed on an individual basis to identify their particular transport requirements. Usual criteria (e.g. statutory walking distances) should not be considered when assessing the transport needs of children in these circumstances.

A child/young person's individual needs will determine the support they are given and evidence will be taken from a range of professionals and from parents or carers.

Where relevant, a risk assessment will be carried out before the child/young person begins travelling to make sure that the transport provided meets their needs. This will include a detailed breakdown of the child's needs, explaining how they will be kept safe while travelling, and will include whether an escort will be required and any medical protocols that may be needed.

We are **not** normally able to take the following factors into account as criteria for awarding travel assistance:

- a. parents/carers work or other commitments
- b. attendance by siblings at other schools/colleges
- c. a work experience placement
- d. an address other than the home address, including childminders
- e. a journey from one educational establishment to another
- f. ad hoc visits to other schools, colleges or other establishments
- g. short break provision/respite care – please discuss with your social worker
- h. out of hours clubs (e.g. breakfast, after school activity)
- i. link courses
- j. any educational provision planned over weekends or bank holidays
- k. collection from school due to illness
- l. parental attendance at meetings
- m. part-time timetables or to meet examination timetables

However, please note that we will consider each child's/family's circumstances individually before making a decision. Please refer to section 3.5 on 'Exceptional Needs' for further information.

### 3. Further information about qualifying for travel assistance

#### 3.1 Qualifying education providers

To be eligible for travel assistance under this policy, children/young people must be attending a qualifying education provider. These must be educationally appropriate to the age, ability and aptitude of the child/young person and any special educational needs that the child/young person may have, as outlined in the child/young person's EHCP/SEN. Qualifying education providers may be one of:

- a. community, foundation or voluntary aided schools
- b. community or foundation special schools
- c. non-maintained or independent special schools
- d. pupil referral units
- e. private/voluntary/independent nursery schools
- f. maintained nursery schools
- g. academies
- h. free schools

#### 3.2 What does 'nearest appropriate' school mean?

When determining which qualifying education provider is the nearest appropriate to the home address, distances will be measured by the shortest straight line distance between home and school, as used in the admission criteria for Surrey community and voluntary controlled schools.

#### 3.3 Measuring the distance for transport between home and the nearest appropriate school

When establishing whether the nearest appropriate school is within statutory walking distance, the distance between home and school will be measured by the shortest available safe walking route following recognised public footpaths. Where the school is not within statutory walking distance, the distance for travel assistance will be measured by the shortest available road route. Statutory walking distance is 2 miles for children under 8 years old and 3 miles for children and young people over 8 years old.

#### 3.4 Route safety

Any queries regarding the safety of a route will be assessed by a Community Travel Advisor from the Safer Travel Team in line with Surrey County Council's Risk Assessment Procedure at Highway Sites.

Factors to be taken into consideration include the age and ability of the child, the width of the roads, the existence of pavements, visibility, the speed and volume of traffic, the existence or otherwise of lighting and the condition of the route at different times of the year. Each case will be considered on its own merits on consideration of all the risks and the existence of any one negative factor will not automatically deem the route to be unsafe.

If measures are subsequently introduced which make a route safe which was previously assessed as unsafe then the shortest walking distance will be reassessed for any affected children and

Transport may be withdrawn if the walking distance falls below the distance threshold appropriate to the age and ability of the child.

### 3.5 Changes of address

It is the parent's/carer's responsibility to inform their child/young person's SEND case worker if the child/young person has a change of address at any point within the school year. The child/young person's eligibility will be reassessed following a new measurement of the distance between their home and the school/education provider.

### 3.6 Exceptional needs

Where parents/carers consider that exceptional needs apply to their application for travel assistance, they are asked to complete a Home to School/College Transport – Exceptional Needs form (available from the SEND Case Worker). Exceptional needs might include, *but are not limited to*, health needs/disability/circumstances affecting the child's sibling(s) or other close family members who are dependent upon the child's parents/carers; exceptional financial difficulties, or other factors that are likely to significantly impact on the parents'/carers' ability to meet their responsibilities in connection with transporting their child to an education provider. Surrey County Council may require appropriate verification of any information which is materially relevant to its decision.

If travel assistance is agreed based on exceptional need or means testing, the decision will be reviewed termly or at other intervals as specified by Surrey County Council. Parents/carers will be expected to provide updated benefits or other information if requested, and if this is not provided, Surrey County Council reserves the right to withdraw the travel assistance.

### 3.7 Medical conditions - child/ young person or parent/carer

- a. Travel assistance may be provided within statutory walking distances if written evidence from a hospital consultant is received which states that the child/young person is unable to walk safely to school due to their special educational needs or disability.
- b. Travel assistance may be provided within statutory walking distances where written evidence from an appropriate consultant confirms that the child/young person requires accompaniment to school due to their special educational needs or disability, *and* written evidence from a GP confirms that their parent is unable to accompany the child/young person to the education provider due to the parent's disability or pre existing medical condition.

Home to school transport provided on medical grounds will be reviewed regularly. Temporary medical conditions will be reviewed every half term, dependent on medical advice. Decisions relating to longer-term medical conditions will be reviewed annually.



## 4. Type of travel provision offered

4.1 When assessing the type of travel provision to be offered we will take into account:

- a. the age and maturity of the child/young person
- b. the child/young person's disability and/or their special educational needs
- c. ability and aptitude of the child/young person
- d. suitability of the type of provision for the child/young person's needs
- e. the length of the journey
- f. nature of the possible routes from home to school/college, particularly in relation to safety
- g. whether the child/young person is able to safely walk the distance involved
- h. whether the child/young person needs to be accompanied and whether it is possible for the child/young person to be accompanied (taking into account factors such as parental disability)

### 4.2 Parental travel allowance

Where it is considered the most cost effective method, we will encourage parents to opt to transport their child/young person personally and will offer a travel allowance based on the child/young person's home to school journey. The travel allowance may be used flexibly by parents, e.g. journeys may be via other destinations on the way to/from school, however, only journeys between home and school by the shortest available route by road will be reimbursed.

If a travel allowance is the preferred option, the child's SEND case worker can advise parents of the annual sum and the process for claiming. Surrey County Council also provides a 'Guide for Parents' which explains this information.

If a travel allowance is agreed, we will implement the following procedure:

- a. Re-imburement can only be authorised where it is the most cost effective method of providing travel assistance. We reserve the right to cease this arrangement at any time if we are able to procure the transport at a lower cost.
- b. Any claim for reimbursement is subject to the child/young person meeting qualifying criteria, and continuing to meet qualifying criteria. This particularly applies when a child/young person changes school/education provider or their main residence changes such as if the family moves house.
- c. Parents/carers will be reimbursed based on the journey between home and school on each day the child/young person is required to attend, unless the child/young person is in residential accommodation, in which case reimbursement will be in line with their EHCP or SSEN. A digital mapping system is used to measure the shortest available route by road to the school/education provider.
- d. Reimbursement will be paid in equal monthly instalments from October to July of the relevant academic year.
- e. Payments will be made as long as the child/young person's attendance is above 80% per term. Attendance will be monitored, and payments adjusted in subsequent months if attendance falls below this level.
- f. Parents/carers are responsible for ensuring that their current motor insurance is appropriate for this use.
- g. If parents/carers are temporarily unable to transport their child/young person due to unavailability of appropriate transport, alternative arrangements must be made by the

parent/carer as Surrey County Council would be unable to provide transport at short notice for short periods of time.

- h. If the parents'/carers' transport becomes permanently unavailable, a new application for alternative travel assistance will need to be made via the child/young person's SEND case worker.

## 5. Travel arrangements

### 5.1 Independent travel

Education providers are expected to provide the necessary support to develop the young person's ability to access and use independent travel. This will be related to their preparation for adulthood. Progress in this aspect will be reviewed as part of the annual review for the child/young person's SEN/EHCP.

Education providers will be also expected to work with the child/young person in line with the risk assessment prior to any changes being made to arrangements. Any requests for solo transport or other changes must be supported by a risk assessment.

### 5.2 Provision of escorts

An escort is not routinely provided. However, an escort may be provided for the route or the individual child/young person where either:

- a. a child is of pre-school age, or
- b. if a child/young person has significant health or behavioural requirements identified through a risk assessment.

### 5.3 Journey times

Home to education provider transport will be arranged so as to be as non-stressful as possible. Wherever possible, and subject to individual needs, the journey time will be no more than 45 minutes for primary aged pupils and no more than 75 minutes for secondary aged pupils, complying with best practice guidelines. In some circumstances it may be necessary to increase these timeframes where specialist placements are concerned. Journeys to and from education providers outside of Surrey's borders, or for children/young people placed some distance from their home may also, by definition, exceed the usual maximum journey times.

### 5.4 Pick-up and drop off points

Where appropriate, parents/carers may be expected to take their child/ young person to/from a pick up/drop off point.

### 5.5 Review of travel arrangements

We reserve the right to review the travel arrangements in circumstances where either:

- a. Parents/carers repeatedly fail to inform the Transport Coordination Centre and the child/young person's transport provider that the transport is not required as a result of the child/young person's illness before it arrives at the home address, or
- b. a child/young person suddenly decides not to travel in transport which has arrived on any given day (without any prior notice having been given to the transport company), where the refusal is not related to their SEND

- c. there is a situation where the behaviours of a child / young person / parent / carer pose a safeguarding risk given the Council's duty of care to the drivers, escorts and operators, as well as the passengers in their care.

If it is necessary to withdraw the travel arrangements for a period, parents/carers will become responsible for transporting their child/young person.

## 5.6 Extreme weather

On rare occasions, severe weather may impact on Surrey County Council's ability to provide home to school transport safely. In such circumstances, the safety and wellbeing of children and young people and transport providers remains our key priority. Where severe weather results in the requirement to cancel transportation, the Transport Co-ordination Centre/transport provider will always notify parents/carers at the earliest opportunity, to avoid unnecessary disruption.

If transport is cancelled due to extreme weather, the following is applicable:

- a. Where a route is cancelled and a parent/carer takes the decision to transport their child/young person themselves, the parent/carer remains responsible for the return journey or any subsequent costs should a return journey not be possible.
- b. If a child/young person is unable to attend school/college due to severe weather, the parent/carer remains responsible for their child/young person.

## 6. Appeals procedure

Where the decision has been made that a child/young person is not eligible for travel assistance, or where a change in transport arrangements has been made and notified, or where transport has not been agreed on exceptional grounds, parents/carers may ask for the decision to be reconsidered to include any exceptional circumstances they wish to put forward. A form will be provided for this purpose and supplementary evidence may be requested.

The SEND case worker for the child/young person is responsible for collating the appeal case, in conjunction with the parents/carers, at all stages of the appeal process.

Any decision resulting from an appeal will include the details for further appeal. All decisions will be notified in writing, no more than 5 working days after being made.

### 6.1 Stage 1 – Review by an area special needs manager (ASNM)

- a. The first stage of the appeal process is in writing to the relevant ASNM. The written request should detail why the parent believes the decision should be reviewed and give details of any personal and/or family circumstances the parent believes should be considered when the decision is reviewed.
- b. A parent has 20 working days from receipt of the local authority's home to school transport decision to make a written request asking for a review of the stage one decision.

### 6.2 Stage 2 – SEN panel

If the decision remains unchanged, the parents/carers can progress their appeal to Stage 2 of the process.

A panel of professionals from the Special Educational Needs Service and partner agencies considers Stage 2 appeals.

The panel will consider the points of the case, alongside the decisions made at Stage 1.

### 6.3 Stage 3 – review by an independent appeal panel

If the decision remains unchanged, the parents can progress their appeal to Stage 3 of the process.

A panel of elected members considers Stage 3 appeals.

Within 40 working days of receipt of the parents' request an independent appeal panel considers representations from both the parent and officers involved in the case and gives a detailed written notification of the outcome (within 5 working days), setting out:

- the nature of the decision reached;
- what factors were considered;
- the rationale for the decision reached; and
- information about the parent's right to put the matter to the Local Government Ombudsman

The independent appeal panel members should be independent of the original decision making process (but are not required to be independent of the local authority) and should be suitably experienced (at the discretion of the local authority).

#### **6.4 Local Government Ombudsman**

Parents can contact the Local Government Ombudsman at any time; however, the Local Government Ombudsman will normally expect them to have completed all stages of the Council's complaints procedure before considering their complaint. Further advice is available on [www.lgo.org.uk](http://www.lgo.org.uk) or on the Local Government Ombudsman advice line on 0300 061 0614.

This is the final stage in the appeals process.

### **7. Other guidance which underpins this policy document?**

Surrey County Council must have regard to the latest statutory guidance when carrying out its responsibilities in relation to transport arrangements for children and young people. This includes:

*Home to school travel and transport guidance: Statutory guidance for local authorities July 2014*

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/445407/Home\\_to\\_School\\_Travel\\_and\\_Transport\\_Guidance.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/445407/Home_to_School_Travel_and_Transport_Guidance.pdf)

Surrey County Council also has an existing mainstream policy that sets out the transport support that is available from Surrey County Council for pre-16 students not holding a current SSEN or EHCP:

*Home to School Transport Policy for 4-16 year olds 2016/17*

[http://www.surreycc.gov.uk/\\_data/assets/pdf\\_file/0011/64973/Transport\\_Policy\\_4-16\\_FINAL\\_2016-17\\_V1.pdf](http://www.surreycc.gov.uk/_data/assets/pdf_file/0011/64973/Transport_Policy_4-16_FINAL_2016-17_V1.pdf)

### **8. Review of this policy**

The education travel assistance policy for children and young people under 16 with an EHCP/SSEN will be reviewed annually and consulted upon in accordance with statutory guidance should changes be considered.